

FILEDUNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT JAN 22 2016

for the

District of New Mexico

MATTHEW J. DYKMAN
CLERK

United States of America)

v.)

Cody Martinez)

SSN: 9736)

DOB: 06/13/86)

Case No.

16mj245

*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 20, 2015 in the county of Colfax in the
District of New Mexico, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 USC 111(a)	Assaulting, resisting or impeding certain officers or employees

This criminal complaint is based on these facts:

Please see the attached affidavit

 Continued on the attached sheet.

 Cornelius Smith
Complainant's signature

Cornelius Smith, US Postal Inspector

Printed name and title

Sworn to before me and signed in my presence.

Date: 01/22/2016

 Karen Molzen
Judge's signature
City and state: Albuquerque, NM

Chief US Magistrate Judge Karen Molzen

Printed name and title

AFFIDAVIT

UNITED STATES DISTRICT COURT)
) SS
DISTRICT OF NEW MEXICO)

I, Cornelius Smith, having been duly sworn, hereby depose and state as follows:

1. I am a duly authorized postal inspector with the United States Postal Inspection Service and have been so employed since March 2012. I am currently assigned to the US Postal Inspection Service, Phoenix Division, Albuquerque, New Mexico Domicile.
2. This affidavit is made in support of a complaint against Cody Martinez, in connection with an investigation into an assault on United States Postal Service Letter Carrier David Boyer in violation of Title 18, United States Code, Section 111(a)(1). This affidavit does not contain all of the information known to your affiant; rather, it contains information necessary to establish probable cause for the violation charged.
3. On January 20 2016, USPS Postmaster J. Simon contacted me to report that USPS Letter Carrier Boyer was assaulted by a customer while delivering mail on his route at 609 North 2nd Street, Raton NM. Ms. Simon stated that Mr. Boyer was hit in the back of the head with a brick. Ms. Simon explained that the Raton Police Department (RPD) and the Raton Emergency Medical Services (EMS) responded to the location, and that Mr. Boyer is going to be transported Colfax Medical Center (MCMC) by EMS.
4. On that date I contacted the Raton Police Department and spoke with Officer K. Trujillo regarding the assault. Officer Trujillo stated once he received the call of an assault on a postal carrier, he responded to the 600 block of North 2nd Street. Officer Trujillo explained once he arrived he noticed a male subject fleeing the area. Officer Trujillo stated he did not follow the male subject because he noticed the postal carrier laying face down on the ground with blood pooling around his face and head. Officer Trujillo stated the carrier was unconscious so he requested EMS to his location. Officer Trujillo then asked witnesses to sit with Mr. Boyer until EMS arrives. Officer Trujillo then left the scene to try and locate the male subject. The subject was located on 100 block of West Maxwell, Raton, NM, and arrested. During the arrest the male subject made the statement "I hit the mailman because he was following me, I beat the mailman with a brick because the federal agents are following me." Officer Trujillo explained no one attempted to interview or question the subject, the statement was made unsolicited. Officer Trujillo stated near where the male was apprehended was a red concrete brick and a back pack. Officer Trujillo also said the male subject also stated "that's the brick I used to hit the mailman." The male subject was identified as Cody Martinez.
5. On January 20, 2016, A. Segura was interviewed regarding the assault. Segura stated she was cleaning her house and she heard noises coming from outside. She explained she looked outside and noticed a man taking mail from her

mailbox. Segura stated that the man entered her yard from the south side of her residence and began yelling at her as she looked at him through a window. Segura then stated the man took off his jacket and picked up a brick, and then walked over to the mailman who was on the opposite side of the street. Segura then explained once he got close enough to the mailman, he struck him in the head with the brick and knocked him out. Segura said she then ran and dialed 911.

6. On January 20, 2016, C. Cloud was interviewed regarding the assault of the postal carrier. Cloud stated she always waits for the mailman because she is fearful that thugs will steal her packages. Cloud explained as she waiting for the mail to be delivered she heard shouting outside and when she looked out the window she saw a tall thin man walking across the street waving a brick in the air and then he hit the mailman with the brick. Cloud could not tell where he hit the mailman with the ~~brick~~, but she was sure he struck the mailman because he immediately fell to the ground. Cloud explained a tree obstructed a portion of her view. She then stated the tall thin man then walked back across the street yelling obscenities. Cloud then ran and dialed 911 and waited for RPD to arrive.
7. On January 20, 2016, Q. Ralph was interviewed regarding the assault of the postal carrier. Ralph stated at approximately 10:15am he heard a lot of violent yelling out the front of his residence. Ralph explained he let the dogs out and he walked outside and saw a younger looking man in the middle of the street yelling obscenities. Ralph stated the man had a back pack on his back and was carrying a brick in his hand. Ralph said the man repeatedly threw the brick on the ground and kept picking it up. Ralph said the guy finally picked the brick up and started to walk east towards North 1st street. Ralph explained he then looked over and the mailman laying on the ground on his stomach not moving. Ralph then rushed inside and called RPD.
8. On January 20, 2016, Mr. Boyer (victim) was interviewed at Miners Colfax Medical Center (MCMC). Boyer was conscious at the hospital and RPD officers were able to interview him. Boyer stated he was walking on the 600 block of North 2nd Street delivering the mail when he heard a male subject screaming and yelling. Boyer believed that the male subject was on the phone by the tone of his voice and he didn't see anyone else outside. Boyer then realized the male subject was talking to him. Boyer turned around to walk away from the subject and return to his mail truck when he was struck in the back of the head. Boyer stated he then remembers falling to the ground uncontrollably smacking his face on the ground.
9. On January 21, 2016, I spoke with Grace Boyer (victim's wife), who stated it took 5 sutures to close the wound to Boyer's head. She also explained that Boyer was transported from MCMC to Parkview Medical Center, Pueblo, CO because of the head trauma. She explained that he is now in ICU, with a breathing tube, severed vertebra and paralysis of the left side of his body.
10. On January 21, 2016, I attempted to interview Mr. Martinez. Mr. Martinez yelled several obscenities and stated he would not deal with the government anymore.

11. Based on the information provided in this affidavit, I believe there is probable cause to believe that Cody MARTINEZ, was in violation of Title 18, United States Code, Section 111(a)(1), Assaulting, resisting or impeding certain officers or employees

Cornelius Smith
Cornelius Smith, US Postal Inspector

Subscribed and sworn to before me on this 22th day of January, 2016.

Karen B. Molloye
United States Magistrate Judge